

filed 7/2/04
(UBD)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

RICARDO ESTRADA

DEFENDANT'S MOTION TO RECONSIDER ORDER OF DETENTION AND PROPOSED
CONDITIONS OF RELEASE

Defendant Ricardo Estrada, by his attorney, moves that this Court reconsider its order of detention entered without prejudice to submit this motion for reconsideration.

Ricardo Estrada has been ordered detained pending grand jury proceedings, and presumably trial on the above indictment. Mr. Estrada is alleged to have driven a tractor trailer to Peabody, Massachusetts which contained a quantity of cocaine. The government's evidence against Mr. Estrada has been presented to this Court in the complaint affidavit of DEA Agent Drouin. The evidence is circumstantial and does not contain any direct evidence that cocaine was ever in the tractor, the trailer or otherwise possessed or transported by Mr. Estrada. The Court has made, and the defendant does not challenge, the finding of probable cause. Nonetheless, the defendant submits that the presumption of his innocence remains and he anticipates upon review of the circumstantial evidence by the higher standard of proof beyond a reasonable doubt that he will be acquitted after trial.

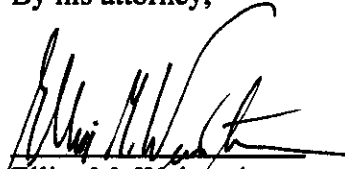
On June 21, 2004 Mr. Estrada last appeared before the Court. At that time, the question of release versus detention was assessed by counsel for the respective parties as "close", with each party reaching opposite conclusions. The Court concluded detention. Since that date, Mr. Estrada's family has collected the sum of \$10,000.00 which amount is now proffered as a cash deposit to secure an appearance bond. Additionally, Mr. Estrada submits the attached letter from

his former wife, Irma Estrada, which attests to Mr. Estrada's close involvement and support, both emotionally and financially, with his children.

Mr. Estrada re-asserts that if released he will reside with his brother, Gustavo Estrada, 19322 El Rivino Road, Apartment 15, Riverside, California 92509; he will seek and maintain employment in the area close to that residence; and abide by all other reporting, ordered and statutory conditions of release.

RICARDO ESTRADA

By his attorney,



Elliot M. Weinstein

BBO #520400

228 Lewis Wharf

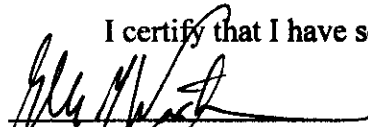
Boston, MA 02110

617-367-9334

July 1, 2004

CERTIFICATE OF SERVICE

I certify that I have served a copy of the above on Robert Peabody, AUSA.



Elliot M. Weinstein

JUNE 30TH, 2004

TO WHOM THIS MAY CONCERN,

My name is Irma Patricia Estrada, I am writing to you regarding my ex-husband Ricardo Estrada who has an upcoming federal case. I am his ex-wife and have been divorced from Mr. Estrada for the past seven years. We have three children together ages 15, 14 and 11.

Mr. Estrada has maintained a good relationship with the kids and has been involved in their lives both physically and financially. He has paid child support on time and his absence from the children's lives has put a strain on the children's welfare.

I will need Ricardo Estrada's assistance with the children because I am awaiting a medical procedure sometime in the next four weeks. I am waiting for approval from my health insurance and will need Ricardo to help with the kids, should anything happen to me. His release is beneficial for my sake and his children which are U.S. citizens and have suffered emotionally because of his situation. If you have any questions, feel free to contact me. 562-402-2855

Sincerely,
Irma P. Estrada